



OLIVERI & SCHWARTZ, P.C.

Attorneys At Law



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“Indemnify and hold harmless”

More and more consumers are being asked to sign “indemnify and hold harmless” contracts before hiring contractors, giving permission for children to go on school outings, or even joining spas.

To seek liability protection, businesses and other organizations add “hold harmless” language to contracts. This means that if there is a loss or harm resulting from negligence, the signer may have a much harder time seeking and obtaining recompense. In addition, should the negligence somehow harm a third party, the signer may become a party to that lawsuit. For example, if a carpenter’s hammer slips and injures a mailman, the hiring home owner might be a lawsuit’s first target, since the “indemnify and hold harmless” contract might hold him or her liable for the carpenter’s mistake. What should consumers do?



What should consumers do?

- Read contracts carefully.
- Ask if there are “hold harmless” clauses.
- Cross out clauses, initial the deletions, and sign the contract.
- Ask your insurance agent if your liability policy covers potential harm.
- Seek legal counsel.

Hit-and-run accidents

Hit-and-run (H&R) auto accidents can be particularly perplexing to victims.

The accident happens quickly. The car is damaged. Everyone is shaken up. The innocent driver and passengers may even suffer injuries. The offending driver disappears.

What should you do if you’re in an H&R accident?

- ✓ Get medical attention, if needed.
- ✓ Immediately contact law enforcement, and fill out an accident report.
- ✓ Report the accident to your insurance company right away.
- ✓ Try to identify the car involved and the driver responsible.
- ✓ Seek an attorney’s counsel.

An H&R incident

A driver who struck a worker loading a truck fled the accident scene. The victim suffered vascular injuries to his legs, requiring use of a walker and wheelchair. The injured worker and his wife sued the allegedly drunken H&R driver and employer for reckless driving, negligent hiring, and driving while intoxicated. The parties reached settlement prior to trial.

Cirugía cosmética



Según la Sociedad Americana de Cirujanos Cosméticos (SACC), en el año 2003 más que 8.7 millones de procedimientos fueron hechos en pacientes que querían mejorar su apariencia y manejar las señales de envejecer. Procedimientos invasores quirúrgicos aumentaron a 5 por ciento. Procedimientos mínimos invasores, como las inyecciones Botox, aumentaron a 41 por ciento. Como todas las cirugías, la cirugía cosmética involucra riesgos. Programas de televisión de realidad, como Extreme Makeover del canal ABC, pueden causar que algunos pacientes no entiendan cuán seria es la cirugía cosmética, y tampoco entienden el potencial de problemas y los efectos secundarios de la cirugía y las medicinas. SACC sugiere que los pacientes considerando la cirugía cosmética:

- Insistan en un médico certificado por la Junta de Administración de Especialidades Médicas
- Exijan facilidades quirúrgicas seguras
- Requieran un examen médico y una evaluación
- Aprendan todo lo que puedan sobre la cirugía cosmética
- Busquen médicos afiliados de SACC
- Hagan preguntas

Problemas con los resultados

Pacientes de cirugía cosmética pueden buscar justicia en las cortes cuando los médicos hacen errores evitables. Un paciente sufrió de movimiento restringido de los labios después de una cirugía para alargar su barbilla. El abogado del demandante probó que el paciente no fue avisado de los riesgos del procedimiento. Un jurado concedió un juicio, que después un juez se rebajó. Se jubilarán el caso.

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Recomendaciones

Damos las gracias a todos ustedes que han recomendado nuestro Bufete de Abogados a sus familiares, amigos y vecinos. Apreciamos el tener su voto de confianza y estamos comprometidos a cuidar sus seres queridos así como cuidamos de usted mismo.

VOTE

**Regístrese y vote
en el año 2004.**

Tecnologías médicas e infantiles prematuras

Los Unidades de Cuidados Intensivos Neonatales (UCIN) son departamentos de hospitales de alta tecnología.

Los neonatólogos tienen acceso las 24 horas a datos fisiológicos computerizados del estatus de la salud de un infante prematuro en alto riesgo. Monitores electrónicos continuamente tienen acceso y reportan los informes básicos, como la temperatura, la presión de sangre, y respiración. Los doctores podrían pedir pruebas especializadas de alta tecnología para evaluar la oxigenación de la sangre de un infantil, funciones cardíacas, y aun las capacidades de la visión y del oído.

Igualmente importante es el tiempo y el cuidado que dan a cada infante los empleados compasivos y los doctores con destrezas y experiencia. Los padres de neonatos reconocen el balance entre el equipo de alta tecnología de las UCIN y la cualidad del tiempo que dan los médicos y otro personal tocando, hablando, y sonriendo a los infantes.

Cuando errores ocurren

Aunque las UCIN ayudan a muchos recién nacidos a sobrevivir, los padres tienen derechos de uso de recursos cuando los médicos hacen equivocaciones evitables. Un infante nació prematuramente a las 27 semanas de gestación. La farmacia del hospital se equivocó en mezclar una solución de glucosa nutritiva, que causó al infante sufrir hipoglucemia, ataques, y daño al cerebro. Los padres demandaron por negligencia y llegaron a acuerdo estructurado para proveer el cuidado médico por toda la vida.



Cosmetic surgery



According to the American Society of Plastic Surgeons (ASPS), in 2003 over 8.7 million procedures were performed on patients who wanted to improve their appearance and manage signs of aging—a 32 percent increase over 2002. Invasive surgical procedures grew 5 percent. Minimally invasive procedures, such as Botox® injections, grew 41 percent.

Like all other surgeries, cosmetic surgery involves risk. Reality programs, such as ABC's *Extreme Makeover*, may cause some patients to fail to appreciate the seriousness of cosmetic surgery as well as potential outcome problems and side effects associated with surgery and medications.

ASPS suggests that patients considering cosmetic surgery...

- insist on a physician board-certified by the American Board of Medical Specialties.
- demand safe surgical facilities.
- require a medical examination and evaluation.
- learn all they can about cosmetic surgery.
- seek ASPS-affiliated physicians.
- ask questions.

Outcome problems

Cosmetic-surgery patients can seek justice in the courts when physicians make preventable mistakes. Following surgery to lengthen his chin, a patient suffered restricted lip movement. The plaintiff's attorney showed that the patient was not warned of the procedure's risk. A jury awarded a judgment, which a judge reduced. The case will be retried.

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VOTE

Register and vote
in 2004.

Referrals

Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these "VIPs" as well as we care for you.

Medical technology and premature babies

Neonatal Intensive Care Units (NICUs) are high-technology hospital departments.

Neonatologists have 24-hour access to computerized physiological data on a high-risk or premature infant's health status. Electronic monitors continually assess and report basics, such as temperature, blood pressure, and respiration. Doctors may request specialized high-tech testing to evaluate a baby's blood oxygenation, cardiac functions, and even vision and hearing capabilities.

Equally important is the time and care that skilled and experienced physicians and compassionate staff give to each infant. Newborns' parents recognize the balance between the masses of high-tech NICU equipment and the quality time caregivers spend touching, talking to, and smiling at babies.

When errors occur

Although NICUs help many newborns survive, parents have recourse when caregivers make preventable mistakes. A baby was born prematurely at 27 weeks of gestation. The hospital's pharmacy erred in mixing a nutritional glucose solution, which caused the baby to suffer hypoglycemia, seizures, and brain injury. The parents sued for negligence and reached a structured settlement for lifelong care.



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VINYL CHLORIDE

Vinyl chloride is a 20th-century wonder that chemical firms use to fabricate polyvinyl chloride (PVC), a plastic in widespread use. However, vinyl chloride is also a notorious cancer-causing agent.

For decades, dozens of chemical manufacturers who knew of vinyl chloride's potential to endanger health conspired to conceal this information from their workers in PVC plants. As a result, many employees who suffer from cancer and other diseases linked to vinyl chloride have asked lawyers for legal representation in occupational-disease claims. Suits have been filed on the basis of product liability, occupational exposure, and environmental exposure to vinyl chloride.

Those who have worked in a PVC plant or who believe they may have been harmed by vinyl chloride should first talk with their physicians and then obtain legal counsel.

In addition to vinyl chloride, other workplace chemicals known to cause disease include metal-working fluids, coolants, and solvents, as well as heavy metals, such as copper, aluminum, lead, mercury, and arsenic.

Medical malpractice UPDATE

Caps don't reduce doctors' rates

Despite medical injury caps passed by the Florida and Texas legislatures in 2003, physicians' insurance rates continue to rise in those two states. The much-touted cap solution to rising medical malpractice insurance rates didn't keep Florida and Texas insurers from asking for and receiving policy rate increases for 2004.

In Florida, which put a \$500,000 ceiling on noneconomic damages in malpractice cases, the state's Office of Insurance Regulation announced a "presumed factor" rate increase of 7.8 percent for 19 different insurers.

Two months after a \$750,000 cap on noneconomic damages (\$250,000 limit on an individual physician's liability) was incorporated into Texas' constitution, its insurance commissioner announced that a physician-owned insurer that covered a third of all Texas doctors asked for a 35.2 percent insurance rate increase for doctors and a 67.9 percent increase for hospitals and other institutional health-care providers. Although a second large insurer decreased rates 12 percent, reductions in coverages and increases in deductibles effectively neutralized its effect.

Driving on HALLOWEEN



If you drive on Halloween, watch for trick-or-treaters.

Not only is it dark on All Hallows' Eve, but kids in costumes wear masks, which can limit their ability to see cars and traffic. In their excitement, some children may ignore traffic signals and dart across streets or from between parked cars.

A good driver's job is to slow down and stay alert for the signs of trick-or-treaters:

- Many children will carry flashlights or glow sticks, which are visible from far off.
- Look for youngsters' costumes done in highly visible white or brightly colored fabrics. Many parents add reflective tape strips for safety.
- Be particularly vigilant at crosswalks or busy intersections that have no traffic controls or signs.
- Some people even dress their dogs for Halloween. Be sure to keep an eye out for Franken-Fidos, too.
- Finally, if you attend an adult Halloween party, be sure to include a designated driver in your carpool.

Have a safe and happy Halloween!

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October 2004...Late Breaking News

The U.S. Food and Drug Administration has recently issued a Public Health Advisory on ***Vioxx***, which has been voluntarily recalled and pulled off the worldwide market.

The manufacturer of the arthritis drug ***Vioxx***, Merck & Co., may have known about the risk for serious health problems, but withheld the information and continued to profit from its widespread use.

Across the nation, lawsuits have already been filed with allegations that as early as the year 2000 Merck & Co. knew ***Vioxx*** was harmful and failed to notify consumers.

Oliveri & Schwartz, P.C. will seek financial compensation for consumers, and their families, who have suffered ***Vioxx*** related injuries and death.

Contact us if you or a loved one

regularly used prescribed ***Vioxx*** for at least a year

and experienced a heart attack, stroke, cardiovascular complication or death.

As always, there is no charge or obligation for a consultation.

OLIVERI & SCHWARTZ, P.C. Attorneys helping people.

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Octubre 2004...Últimas Noticias

La Administración de Alimentos y Drogas de los E.E.U.U. ha emitido recientemente un Aviso Público de Salud sobre **Vioxx**, la cuál ha sido retirada voluntariamente y sacada del mercado mundial.

Es posible que el fabricante de la droga de artritis **Vioxx**, Merck & Co., sabía del riesgo para problemas serios de salud, pero no reveló la información y siguió sacando provecho de su uso general.

A través de la nación, demandas ya han sido presentadas con alegaciones de que tan temprano como el año 2000 Merck & Co. sabía que **Vioxx** era perjudicial y falló avisar a los consumidores.

Oliveri & Schwartz, P.C. intenta conseguir compensación para los consumidores y sus familias que han sufrido heridas y muerte relacionadas con **Vioxx**.

Póngase en contacto con nosotros si usted o un ser querido

usó con regularidad **Vioxx** recetada por lo menos de un año

y sufrió un infarto, apoplejía, complicación cardiovascular o muerte.

Como siempre, no hay honorarios o ninguna obligación por una consulta.

OLIVERI & SCHWARTZ, P.C. los Abogados que ayudan a personas.